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SERVICE DATE - FEBRUARY 26, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-314 (Sub-No. 2X)

CHICAGO CENTRAL & PACIFIC RAILROAD COMPANY—ABANDONMENT
EXEMPTION—IN LINN COUNTY, IA

Decided: February 21, 2003

On July 8, 2002, Chicago Central & Pacific Railroad Company (CCP) filed a petition seeking an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon a segment of the Marion-Louisa Industry Lead, extending from milepost ZA 225.7 to milepost ZA 229.5, a distance of approximately 3.8 miles in Linn County, IA. Notice of the filing was served and published in the Federal Register on July 26, 2002 (67 FR 48968).

By decision and notice of interim trail use or abandonment served on October 25, 2002 (October 25 decision), the petition for exemption was granted, subject to public use, trail use, environmental, and standard employee protective conditions.¹ One of the environmental conditions imposed in the October 25 decision required CCP to retain its interest in and take no steps to alter the historic integrity of the right-of-way until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

The Board's Section of Environmental Analysis (SEA) has forwarded to the Board a letter from the Iowa State Historic Preservation Officer (IA SHPO) that was filed on February 11, 2003. IA SHPO states that the condition requiring compliance with the section 106 process has been fulfilled and that no historic properties will be affected by the abandonment. SEA therefore recommends that the section 106 historic preservation condition imposed in the October 25 decision be removed. Accordingly, the proceeding will be reopened, and the previously imposed historic preservation condition will be removed.²

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ The exemption became effective on November 24, 2002.

² All of the other conditions remain in effect.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the section 106 historic preservation condition imposed in the October 25 decision is removed.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary